

### REMARKS

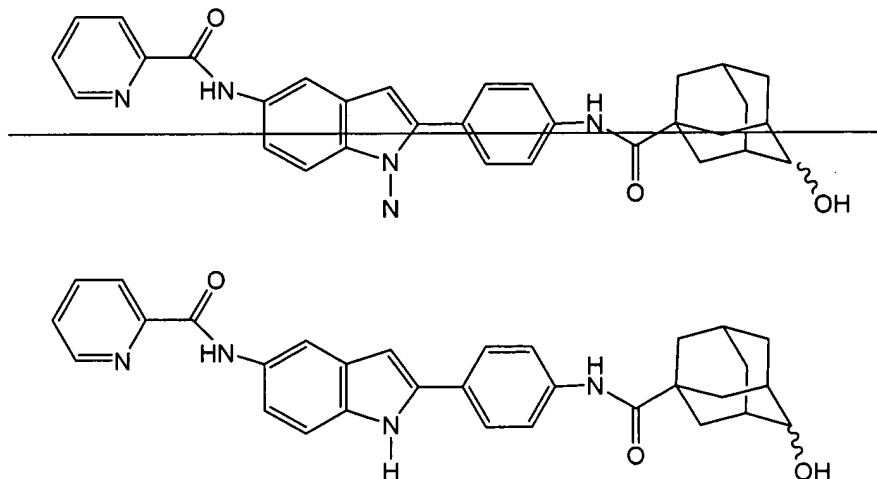
Claims 1-3, 5-12 and 34-37 have been amended. Claim 4 has been cancelled and Claims 42-43 have been added. Claims 13-33 remain withdrawn and Claims 38-41 have now been withdrawn as being directed to non-elected subject matter. Applicants reserve the opportunity to rejoin the withdrawn claims upon allowance of the product claims in accordance with the M.P.E.P. 821.04. As a result, Claims 1-3, 5-12, 34-37 and 42-43 are now pending.

Claims 1-3 and 5-12 have been amended to recite "compound or salt thereof." Claim 34-37 have been amended to simplify and shorten the claim language. Support for the amendment can be found throughout the specification and claims as filed, therefore no matter is being added herewith.

#### Election/Restriction under 37 C.F.R. 1.142(b)

The Examiner has withdrawn compounds of Genus V, VI, VII and VIII in Claims 1-12 and 34-41 from further consideration pursuant to 37 C.F.R. 1.142(b) as being drawn to non-elected inventions. Applicants have amended Claims 1-12 and 34-37 to recite only the elected genera and withdrawn Claims 38-41 as being directed to non-elected subject matter.

Applicants would like to amend the single elected species of compound previously submitted to the Examiner in response to the restriction requirement to correct a typographical error in the structure. In the previously submitted structure, nitrogen (N) was erroneously designated as R; however, R should have been hydrogen (H) in the single elected species instead. The correct structure for the single elected species of compound S-97 should be:



**Appl. No.** : 10/661,139  
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The amended structure is the structure for compound S-97 disclosed in the original application, and therefore no new matter is being added. In view of this amendment, H should not be excluded from the definition of R in Claim 1. Accordingly, Applicants respectfully request the Examiner withdraw the limitation that excludes H from the definition of R in Claim 1.

#### Rejections under 35 U.S.C. § 112

The Examiner has rejected Claims 4, 7, 9 and 11 as being indefinite for reciting "compound comprising." Applicants have amended Claims 7, 9, and 11 to recite "compound represented by...formula." Claim 4 has been cancelled. Applicants have added Claims 42 and 43 that are directed to "pharmaceutical composition," which may comprise one or more of compound or salt thereof of Claim 1 and at least one additional ingredient. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph, as amended claims particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

#### Objections

Claims 1-12 and 34-41 have been objected to for containing non-elected subject matter. Applicants have amended Claims 1-3, 5-12, 34-37 to recite only the elected subject matter as defined by group I. Applicants have also cancelled Claims 38-41 to exclude non-elected subject matter. Accordingly, Applicants respectfully request the Examiner to withdraw the objections.

#### CONCLUSION

In view of the foregoing amendments and comments, it is respectfully submitted that the present application is fully in condition for allowance, and such action is earnestly solicited.


The undersigned has made a good faith effort to respond to all of the rejections and objections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned in order to resolve such issue promptly.

Appl. No. : 10/661,139  
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Respectfully submitted,

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